

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

Crl.MC.No. 808 of 2007()

ORDER IN CMP.522 OF 2007 OF JFCM-I, NEYYATTINKARA

.....

PETITIONER:

MANOJ,
S/O.PRABHAKARAN, AGED 31 YEARS,
PRABHA NIVAS, NEAR V.V.CLINIC,
ATTINGAL, ATTINGAL VILLAGE.

BY ADV. SRI.J.JAYAKUMAR

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 21/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.808 of 2007

Dated this the 21st day of March, 2007

ORDER

The short grievance of the petitioner is about the condition imposed by the learned Magistrate in his application for release of Gas Cylinders belonging to him. He has particularly aggrieved by condition No.1 which obliges him to make a cash deposit of Rs.20,000/- as security before the court.

2. The learned counsel for the petitioner submits that the said condition is absolutely unnecessary and is unjustified. The gas cylinders, without disputes, belong to the petitioner. No one has raised any objections against that. In these circumstances, the petitioner may not be compelled to deposit an amount of Rs.20,000/- as security. Condition No.2, obliging the petitioner to execute a bond for Rs.10,000/- with two solvent sureties, may suitably be modified, submits the learned counsel for the petitioner.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor does not raise any serious objections. I am satisfied, in the facts and circumstances of the case, that the request made by the petitioner can be accepted.

4. In the result, this Crl.M.C is, allowed. Condition Nos.1 and 2 in the impugned order (Annexure-A2) shall stand modified and

it is directed that the petitioner need only execute a bond for Rs.30,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-